

ZOLA LAW OFFICES, INC.  
ANGEL MAE T. WEBBY-ZOLA, ESQUIRE  
ID NO. 93099  
129 SUSQUEHANNA BLVD.  
WEST HAZLETON, PA 18202  
(570) 501.2822  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA

Rosemarie Cuttitta,	:	
	:	
	:	
Plaintiff	:	
	:	CIVIL ACTION – LAW
vs.	:	NO:
	:	
WAL-MART STORES EAST,	:	
LP, WALMART, INC.	:	
	:	
	:	JURY TRIAL DEMANDED
	:	
	:	
Defendants	:	

**NOTICE**

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOUR BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LEGAL SERVICES OF NORTHEASTERN PA., INC.  
15 PUBLIC SQUARE  
STE. 410  
WILKES BARRE, PA 18701  
(570) 825-8567

2 EAST BROAD STREET  
SUITE 210  
HAZLETON, PA 18201  
(570) 455-9512

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
PENNSYLVANIA

ROSEMARIE CUTTITTA	:	
	:	
	:	
Plaintiffs	:	
	:	
vs.	:	CIVIL ACTION – LAW
	:	NO:
	:	
WAL-MART STORES EAST,	:	
LP, WALMART, INC.	:	
	:	
	:	JURY TRIAL DEMANDED
	:	
Defendants	:	
:.....		
<b><u>COMPLAINT</u></b>		

AND NOW, comes the Plaintiff, ROSEMARIE CUTTITTA, by and through their counsel, Zola Law Offices, Inc. and hereby files this Complaint and in support of their claim against the above-named Defendants assert the following:

**THE PARTIES**

1. Plaintiff, ROSEMARIE CUTTITTA, is an adult individual residing at 965 Justus Blvd. Scott Township, PA 18447.
2. Defendant, Wal-Mart Stores East, LP., (hereinafter “WALMART”) is an Arkansas corporation and doing business under the corporation laws under the state of Delaware, with an agent/service of process address at 702 SW 8<sup>th</sup> Street, Bentonville, Arkansas 72167, which directly and through its agent, servants, employees, subsidiaries and/or affiliates, at all times mentioned herein and material hereto, owned controlled, maintained, possessed and had a duty to maintain the Walmart store located at 900 Commerce Blvd, Dickson City, Pennsylvania 18519.

3. Defendant, Wal-Mart Stores East, LP (hereinafter “WALMART”) is a limited partnership organized and existing under the laws of the State of Delaware with its principal business offices located in Bentonville, Arkansas.

4. Defendant, Walmart, Inc. (hereinafter “WALMART”) is a Delaware corporation with its principal place of business in Arkansas and the 100% sole owner of Defendant, Wal-Mart Stores East, LP (hereinafter “WALMART”) through various wholly-owned operating entities as follows: Defendant, Walmart Inc. (hereinafter “WALMART”) is the sole owner of Defendant, Wal-Mart Stores East, LLC, (hereinafter “WALMART”) which is an Arkansas limited liability company with its principal place of business in Arkansas. Defendant, Wal-mart Stores East, LLC is the sole owner of Defendant, WSE Management, LLC (hereinafter “WALMART”) and WSE Investment, LLC, (hereinafter “WALMART”) which are both Delaware limited liability companies whose principal places of business are in Arkansas. Defendant, WSE Investment, LLC is the 99% owner and limited partner of Defendant, Wal-Mart Stores East, LP. WSE Management, LLC is the 1% owner and general partner of Defendant, Wal-Mart Stores East, LP.

5. At all times relevant to this Complaint, the Defendants owned, maintained, controlled, occupied and/or leased the Walmart Retail Store and real property upon which it is situate at 900 Commerce Blvd, Dickson City, Pennsylvania 18519.

6. At all times relevant to this cause of action, the Defendants were conducting and continues to conduct a retail sales business in northeastern Pennsylvania.

#### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C.A. Section 1332 on account of complete diversity of citizenship between the Plaintiff and Defendants, as well as the amount in controversy.

8. Venue is proper in this District under 28 U.S.C 1391(B) in as much as the events giving rise to these claims occurred within this District.

### **FACTUAL BACKGROUND**

9. On or about May 28, 2022, Plaintiff, Rosemarie Cuttitta was a business invitee on the business premises of the Defendants situated at 900 Commerce Blvd, Dickson City, Pennsylvania 18519.

10. At all times material hereto, Defendants, WALMART, acted and/or failed to act in their corporate capacity and by and through its duly authorized agents, servants, workmen, employees and/or contractors, who were acting within the course and scope of their employment(s) and/or authority(ies); said agency including, but not limited to, actual, implied, apparent and/or ostensible agency; and by virtue of said agency, at all times material, Defendants, WALMART, is also vicariously liable for the negligence and breach of duty(ies) of said agents, servants, workmen, employees and/or contractors as more fully set forth herein.

11. At all material times, Defendants acted by and through their daily authorized agents, servants, workman, contractors and/or employees, who were acting within the scope of their authority and employment.

12. At or about the aforementioned date and time, Defendants' agent, employee, workmen, and/or representative negligently, recklessly, and negligently caused

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.